

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL PAUL HAXTON,

Petitioner,

v.

JEFFREY A UTTECHT,

Respondent.

CASE NO. C20-5040RBL

ORDER

THIS MATTER is before the Court on Magistrate Judge Fricke's Report and Recommendation [Dkt. # 6], recommending that the Court deny Petitioner Haxton's §2254 *habeas corpus* petition without prejudice for failure to exhaust his state court remedies.

(1) The Report and Recommendation is ADOPTED;

(2) Haxton's §2254 *habeas corpus* petition [Dkt. 3] is DISMISSED without prejudice for failure to exhaust state court remedies, and as premature;

(3) The Court will NOT issue a Certificate of Appealability for the reasons articulated in the Report and Recommendation;

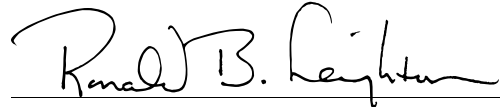
(4) Haxton's Motion to Compel Information [Dkt. # 5] is DENIED as moot; and

1 (5) Haxton's Motion to Exhaust State Remedies [Dkt. # 8] is DENIED as frivolous.

2 The clerk shall to close this case and to send copies of this Order to Petitioner Haxton, to  
3 Magistrate Judge Theresa L. Fricke and to any other party appearing in this action.

4 IT IS SO ORDERED.

5 Dated this 22nd day of April, 2020.

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8 Ronald B. Leighton  
9 United States District Judge  
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